APPLICATION NO.	FILING DATE	FIRST NAMED·INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,446	11/30/1999	HIDEHISA WAKAMATSU	1046.1204/JD	9077

21171   7590   06/23/2003

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *March 24, 2003, paper no. 12* .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5 and 7-35* is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5 and 7-35* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

III.   DETAILED ACTION

Response to RCE

1.   This Office action is in response to the applicant's communication received on March 24, 2003, paper no. 12.

2.   Claims 1-5 and 7-35 are presented for examination. Applicants have amended claims 1-4, 7, 9, 11, 15-17, 19, 21, 23, 25, 27, 29, 31, 32, 34, and 35. Claim 6 has been cancelled, Amendment A, paper no. 7.

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn to 37 CFR 1.114. Applicant's submission filed on March 24, 2003 has been entered paper no. 14, and a non-final Office action, paper no. 15 as stated below.

Drawings

4.   The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figure 1, elements 1, 2, 4A, 4E, and 100, as described in the

specification. For example, placing a label, "reference terminal (client)", with element 1 of

Figure 1, would give the viewer necessary detail to fully understand this element at a glance.

A *descriptive* textual label for *each numbered element* in these figures would be needed to

fully and better understand these figures without substantial analysis of the detailed

specification. Any structural detail that is of sufficient importance to be described should be

shown in the drawing. Optionally, applicant may wish to include a table next to the present

figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The

elements for which such symbols and labeled representations are used must be adequately identified in the

specification. Known devices should be illustrated by symbols which have a universally recognized conventional

meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used,

subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they

are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where

necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as

possible."

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ

459 (1966), that are applied for establishing a background for determining obviousness under

35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C.

103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 1-5 and 7-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Moriya (Pat. No. 6,085,219 filed 3/16/1998) and Tanaka (Pat. No. 6,473,796 B2 filed

9/28/1998).

8.   Regarding Claims 1, 12, 13-25, and 32-35, Moriya teaches home page creating systems

apparatuses and program recording mediums, and home page displaying systems and program

recording mediums.

        The method and associated system for home page creating systems apparatuses and

program recording mediums, and home page displaying systems and program recording

mediums as taught or suggested by Moriya includes:

        a storing section (figure 2, element 13, a storage device) storing a display control file

(Abstract, lines 12-15, 'The created home page is stored along with data on the date and time

when the home page was created in a predetermined data file...', col. 5, lines 36-47, 'The data

file 27 stores the respective home pages...') including a character string (col. 5, lines 48-56,

figure 4, element 27a template selection table, '...home page information types...') and a

control character string (col. 5, lines 48-56, figure 4, element 27a template selection table,

'...home page information types...') for controlling a display, wherein the display control file

(col. 5, lines 36-47, 'The data file 27 contains, as information for creating a home page, the

user's basic data for which the user has contracted with a service provider concerned, a

template selection table 27a, a preference inquiry data table 27b, a linked destination address

table 27c, and a face image table 27d.') provided with a client according to a request from the

client (col. 4, lines 4-12, 'The terminals 1a-1c are each a client receives service from the

WWW server 2 and creates a home page, using the function of the WWW server 2...',

Abstract, lines 4-12, 'WWW server confirms a terminal's request to create a home page, the

terminal's type code is set in a predetermined register based on the terminal's ID. The server

sends terminal user's preference inquiry data to the terminal and receivers user's preference

data entered from the terminal by the user. When the server receives all user's preference data

about predetermined items, it creates a home page by pasting information corresponding to the

user's preference data to a predetermined template.'); a holding section (col. 5, lines 44-45,

figure 5, 'a face image table 27d.') holding an index image (col. 5, lines 45 and 46, col. 6,

lines 7-13, figure 5, element 27d, the face image table, 'As shown Fig. 7, the face image table

27 is provided to paste a predetermined face image to the template, for example in accordance

with the name of a professional entertainer whom the user resembles, obtained in the

preference data. As shown FIG. 7, the relationship between the face images and the

entertainers' names may be one-to-one or one against many.') which displays a home page

displayed (Figures 8A-8B, col. 6, lines 14-30, 'FIG. 8A shows a displayed example of a

created home page 28 obtained when the terminal is a personal computer...', i.e. 'Mr. XX'S

HOME PAGE, FACE IMAGE, SELF-INTRODUCTION, NEWS, INTEREST, AREA,

SHOPPING) according to the display control file and a display file relating to the display

control file by a single picture (col. 5, lines 35-47, 'The data file 27 contains, as information

for creating a home page, the user's basic data for which the user has contracted with a service

provider concerned, a template selection table 27a, a preference inquiry data table 27b, a

linked destination address table 27c, and a face image table 27d.'); and a providing section

(figure 7, element 27, col. 6, line 7, 'the face image table 27 is provided to paste a

predetermined face image to the template...') providing an index image held by the holding

section (col. 5, lines 45 and 46, col. 6, lines 7-13, figure 5, element 27d, the face image table,

'As shown Fig. 7, the face image table 27 is provided to paste a predetermined face image to

the template, for example in accordance with the name of a professional entertainer whom the

user resembles, obtained in the preference data. As shown FIG. 7, the relationship between

the face images and the entertainers' names may be one-to-one or one against many.')

according to a request from a searching server (col. 6, lines 59-67, 'Then, the terminal 1a

sends a home page creating request to the WWW server 2 (S11). The terminal 1a then sends

an ID of the terminal 1a to the WWW service 2 (S12). As shown in FIG. 10, the WWW

server 2 first receives the home page creating request from the terminal 1a at step S11 of FIG.

9 and confirms it (S21). The WWW server 2 then receives the terminal ID sent from the

terminal 1a at step S12...').

Moriya teaches a searching server (Abstract, lines 6-9, col. 7, lines 4-14, '...the

terminal 1a receives the preference inquiry data sent by the WWW server 2 (S13). The

received preference inquiry data is subjected to predetermined processing by CPU 11 and then

displayed on the displayed device 15.').

However, Moriya does not expressly teach providing an index image to be included in a searched result.

Tanaka teaches an image processing system, apparatus and method in a client/server environment for client authorization controlled-based viewing of image sensed conditions from a camera.

The method and associated system for an image processing system, apparatus and method in a client/server environment for client authorization controlled-based viewing of image sensed conditions from a camera as taught or suggested by Tanaka includes:

providing an index image to be included in a searched result (col. 3, lines 34-48, 'The client 108 is an apparatus for obtaining image inforomation and camera information from the camera server 102, and displaying proper information depending upon an instruction inby by a user.', col. 3, lines 50-62, 'First, a user (an operator of the client 108) lauches the Web browser 109 in his/her own terminal. Then, the user inputs description as shown below, and referes to a home page of a host which includes the camera server 102...').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the index image method of Moriya with the searched index image method of Tanaka because Tanaka's method enables index images to be searched, received, and transmitted via a camera controlled server that transmits image data via the image input unit to a client of the network (col. 3, lines 20-34).

9.   Regarding Claim 2, Moriya teaches an index image creating section (Abstract, lines 1-

5, 'A home page creating system, apparatus, and program recording medium, capable of

creating a home page easily without requiring any special knowledge, wherein, when a WWW

server confirms a terminal's request to create a home page...') creating the index image on the

basis of the display control file (col. 5, lines 40-46, 'The data file 27 contains, as information

for creating a home page, the user's basic data for which the user has contracted...').

10.   Regarding Claim 3, Moriya teaches the storing section stores the display file related to

the display control file (Abstract, lines 12-15, 'The created home page is stored along with

data on the date and time when the home page was created in a predetermined data file...', col.

5, lines 36-47, 'The data file 27 stores the respective home pages...'), and the index image

displays the home page displayed (col. 5, lines 45 and 46, col. 6, lines 7-13, figure 5, element

27d, the face image table, 'As shown Fig. 7, the face image table 27 is provided to paste a

predetermined face image to the template, for example in accordance with the name of a

professional entertainer whom the user resembles, obtained in the preference data. As shown

FIG. 7, the relationship between the face images and the entertainers' names may be one-to-

one or one against many.', Figures 8A-8B, col. 6, lines 14-30, 'FIG. 8A shows a displayed

example of a created home page 28 obtained when the terminal is a personal computer...', i.e.

'Mr. XX'S HOME PAGE, FACE IMAGE, SELF-INTRODUCTION, NEWS, INTEREST,

AREA, SHOPPING) on the basis of the display control file and the display file by the single

picture (col. 5, lines 35-47, 'The data file 27 contains, as information for creating a home

page, the user's basic data for which the user has contracted with a service provider concerned, a template selection table 27a, a preference inquiry data table 27b, a linked destination address table 27c, and a face image table 27d.').

11.   Regarding Claim 4, 5, 7, 8, 9, 11, the limitations of this claim is noted in the rejection above. In addition, Tanaka teaches a transmitting section transmitting (Abstract, lines 1-11, '...a camera control apparatus 102 in hyper text transfer protocol and requests the camera control apparatus 102 to transmit a file of its home page, the camera control apparatus 102 transmits a file, to the client control apparatus 108, including a description for causing the client control apparatus 108 to request the camera control apparatus 102 to transmit an applet for performing automatic reception.), to the client (Abstract, line 1, 'When a client control apparatus 108 on a network connects to a camera control apparatus 102 in hyper text transfer protocol and requests...'), the searched result generated by a searching section (col. 3, lines 58-62, 'Process 2: The client 108 connects to the conversion 105 via communication interfaces 110 and 107 using the Web browser 109. Then it, requests the conversion server 1-5 to send information back to the client 108...').

12.   Regarding Claims 10 and 26-30, the limitations of this claim has been noted in the rejection above. In addition, Moriya teaches the mediation server (col. 6, lines 59-67, 'Then, the terminal 1a sends a home page creating request to the WWW server 2 (S11). The terminal 1a then sends an ID of the terminal 1a to the WWW service 2 (S12). As shown in FIG. 10, the WWW server 2 first receives the home page creating request from the terminal 1a at step

S11 of FIG. 9 and confirms it (S21). The WWW server 2 then receives the terminal ID sent

from the terminal 1a at step S12...') comprises a display control file creating section creating a

display control file including the element information extracted and an index image

corresponding to the element information (col. 5, lines 36-47, 'The data file 27 contains, as

information for creating a home page, the user's basic data for which the user has contracted

with a service provider concerned, a template selection table 27a, a preference inquiry data

table 27b, a linked destination address table 27c, and a face image table 27d.').

13.   Regarding Claims 31, the limitations of this claim is noted in the rejection above. In

addition, Moriya teaches the reference terminal receives a searched result (col. 4, lines 50-57,

'The user of each terminal 1a-1c enters via the input device 14 the users' preference data

which is answer data to the users' preference inquiry data, and the other data to be described

later.').

Name of Contact

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cheryl Lewis whose telephone number is 703-305-8750.

The examiner can normally be reached on Mon-Thur from 6:30 to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene can be reached on 703-305-9790. The TC (technology center) for

group 2100 customer service number is 703-306-5631.

The fax phone numbers for the organization where the application or proceeding is

assigned are as follows:

(703) 746-7238   (After Final Communication)

or:

(703) 746-7239   (Official Communications)

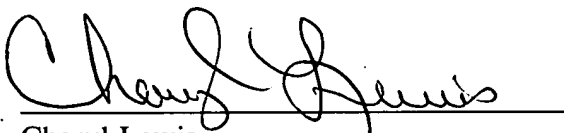(703) 746-7240   (For Status inquiries, draft communication)

any/or:

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL"

or "DRAFT" communication. Examiners may request that a formal paper/amendment be

faxed directly to them on occasions.)

Any inquiry of a general nature of this application or proceeding should be directed to

the receptionist whose telephone number is 703-305-3900.

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

_____
Cheryl Lewis
Patent Examiner
June 10, 2003

SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER